



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,017	11/20/2003	Ajit Singh Gill	006-1-019	8753

7590 09/23/2004

MALLINCKRODT & MALLINCKRODT
U.S. AND FOREIGN PATENTS, TRADEMARKS, COPYRIGHTS
AND RELATED MATTERS
10 EXCHANGE PLACE, SUITE 510
SALT LAKE CITY, UT 84111

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,017

Applicant(s)

GILL, AJIT SINGH

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-21 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figures 1, 2, 8, and 12;

Species II: Figures 3 and 12;

Species III: Figures 4 and 12;

Species IV: Figures 5 and 12;

Species V: Figures 6, 11, and 12;

Species VI: Figures 7 and 12;

Species VII: Figures 9 and 12;

Species VIII: Figures 10 and 12;

Species IX: Figures 13 and 12;

Species X: Figures 14 and 12.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 4, and 22-24 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

Art Unit: 3679

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Robert Mallinckrodt on 9/9/04 a provisional election was made without traverse to prosecute the invention of Species I, claims 1, 2, 4, and 22-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 3, 5-21 and 25-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informalities: on line 4 of paragraph [0023], "85" should be "86".

Appropriate correction is required.

Claim Objections

Claims 1, 2, 4, and 22-24 are objected to because of the following informalities:

In the preamble of each of claims 1, 2, 4, and 22-24, "the end portion of a pipe" should be replaced with "an end portion of at least one pipe" as claims 4 and 22, recite a second pipe.

In claim 1 line 2, "the end portion" should be "an end portion".

In claim 1 line 2, "the pipe" should be "a pipe".

In claim 1 line 5, "the end" should be "an end".

In claim 4 line 10, "the end" should be "an end".

In claim 22 line 2, "ends" should be "end portions".

In claim 22 line 3, "ends" should be "end portions".

In claim 23 line 2, "an bell" should be "a bell".

In claim 24 line 2, "ends" should be "end portions".

In claim 24 line 3, "ends" should be "end portions".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3679

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers (US 3,810,665).

Rodgers discloses a coupling body (10) having inner end tapers that receive a set of jaw members (20, 22, 24, 26), means for securing the jaw members including linear slots and bolts (28), the coupling joining two pipes (14, 16), at least one gasket (38) for sealing around the pipe end portions.

Claim 22 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rodgers (US 3,810,665)

In the event that gasket (38) cannot be considered to be bell-shaped, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shape of gasket (38) so that it could be considered "bell-shaped", since it has been held that changing the shape of a device involves only routine skill in the art and it is apparent that employing either shape could perform the intended function.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stillwagon (US 2,449,795) in view of Rodgers (US 3,810,665).

Stillwagon discloses a coupling body having inner end tapers that receive a set of sealing members (18), the coupling joining two pipes (1, 2), at least one bell-shaped gasket for sealing around the pipe end portions and bridging the gap therebetween. Stillwagon fails to teach that the sealing members are separate jaw members and means for securing the jaw members comprising linear slots and bolts. As described above, Rodgers teaches such and it would have been obvious to one having skill in the art at the time the invention was made to modify Stillwagon with separate sealing members and with means to secure said members in the form of slots and bolts in order to better retain and seal the pipes (1, 2), and to provide adjustment for the sealing members.

Conclusion

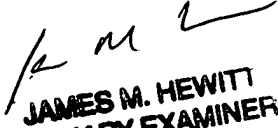
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER